

CHAPTER 241

AGRICULTURE

SENATE BILL 19-150

BY SENATOR(S) Donovan and Sonnenberg, Coram, Cooke, Court, Crowder, Gonzales, Priola, Rankin, Scott, Tate, Todd, Williams A., Woodward;
also REPRESENTATIVE(S) Buentello and Pelton, Arndt, Duran, Esgar, Gray, Hansen, McLachlan, Soper, Titone, Valdez D.

AN ACT

CONCERNING THE CONTINUATION OF THE REGULATION OF PUBLIC LIVESTOCK MARKETS, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE 2018 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 24-34-104, **repeal** (16)(a)(II); and **add** (35) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (16) (a) The following agencies, functions, or both, will repeal on July 1, 2019:

(II) ~~The licensing of public livestock markets in accordance with article 55 of title 35, C.R.S.;~~

(35) (a) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, ARE SCHEDULED FOR REPEAL ON SEPTEMBER 1, 2034:

(III) THE LICENSING OF PUBLIC LIVESTOCK MARKETS IN ACCORDANCE WITH ARTICLE 55 OF TITLE 35.

(b) THIS SUBSECTION (35) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2036.

SECTION 2. In Colorado Revised Statutes, **amend** 35-55-119 as follows:

35-55-119. Termination of functions - repeal of article. This ~~article~~ ARTICLE 55 is repealed, effective ~~July 1, 2019. Prior to the~~ SEPTEMBER 1, 2034. ~~BEFORE THE~~

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

repeal, the licensing ~~functions shall be reviewed as provided for in~~ OF PUBLIC LIVESTOCK MARKETS IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH section 24-34-104. ~~C.R.S.~~

SECTION 3. In Colorado Revised Statutes, 35-55-102, **amend** (1) introductory portion and (1)(b); and **repeal** (1)(f) as follows:

35-55-102. License requirements. (1) Any person, partnership, or corporation may procure a license to establish and operate, for a term of one year, a public livestock market within the state of Colorado by making written application to the state board of stock inspection commissioners. ~~which~~ THE application ~~shall~~ MUST provide the following:

(b) ~~PROOF OF financial responsibility of the applicant in the form of a statement of all assets and liabilities~~ AND AMOUNT REQUIRED BY THE STATE BOARD OF STOCK INSPECTION COMMISSIONERS IN ACCORDANCE WITH SECTION 35-55-104 OR AS SET FORTH IN THE FEDERAL "PACKERS AND STOCKYARDS ACT, 1921", 7 U.S.C. SEC. 181 ET SEQ., AS AMENDED;

(f) ~~Proof of the financial stability, business integrity, and fiduciary responsibility of the applicant.~~

SECTION 4. In Colorado Revised Statutes, 35-55-102, **amend** (3) as follows:

35-55-102. License requirements. (3) ~~Before an application for license is approved~~ TO QUALIFY FOR A LICENSE, the applicant ~~shall~~ MUST prove ownership OF or control by lease of ~~not less than six thousand square feet of holding pens including ample sorting and handling alleys, not less than ten feet wide with at least three gates in each alley that will fasten across the alley; ample pens and sheds for holding and handling sheep and hogs; and at least two adequate-sized pens with connecting alley and usable chute for use by state and federal livestock sanitary inspectors~~ A FACILITY THAT IS ADEQUATE AS DETERMINED BY AN AUTHORIZED BRAND INSPECTOR TO HOLD, HANDLE, SORT, AND INSPECT LIVESTOCK.

SECTION 5. In Colorado Revised Statutes, 35-55-107, **amend** (1) introductory portion and (1)(d) as follows:

35-55-107. Discipline of licensees. (1) Any violation of the provisions of this ~~article~~ ARTICLE 55 or of any rule adopted and published by the state board of stock inspection commissioners ~~shall be~~ IS deemed sufficient cause for the state board of stock inspection commissioners to revoke or suspend the license of the offending operator of ~~such~~ THE public livestock market or to place on probation ~~such~~ THE licensee, and the following ~~shall also be~~ ARE specific grounds for the imposition of any of the disciplinary actions specified in this introductory portion:

(d) ~~If the state board of stock inspection commissioners finds that the licensee has failed or refused to practice measures of sanitation and inspection as are required by this article or by rule or regulation of the state board of stock inspection commissioners made pursuant thereto~~ REQUIRED BY LAW concerning premises or vehicles used for the stabling, yarding, housing, holding, or transporting of animals in the operation of ~~his~~ THE LICENSEE'S public livestock market;

SECTION 6. In Colorado Revised Statutes, **amend** 35-55-109 as follows:

35-55-109. Sanitary conditions. Every public livestock market shall be maintained in a sanitary condition, ~~and cleaned and disinfected under the supervision of a veterinarian authorized by the state board of stock inspection commissioners when necessary.~~

SECTION 7. In Colorado Revised Statutes, 35-55-113, **amend** (1), (2)(a), (3), and (5) as follows:

35-55-113. Veterinary inspection - rules. (1) (a) AN ACCREDITED AND LICENSED VETERINARIAN SHALL INSPECT all livestock consigned and delivered on the premises of any licensed public livestock market before ~~being~~ THE LIVESTOCK ARE offered for sale. ~~shall be inspected by an authorized veterinarian of the department of agriculture.~~ The veterinarian shall ~~examine~~ INSPECT or test, as indicated or required, animals consigned to the public livestock market for the purpose of determining their condition of health and freedom from infectious or contagious animal diseases. If, in the opinion of the ~~examining~~ INSPECTING veterinarian, ~~said~~ THE animals are free of ~~symptoms~~ CLINICAL SIGNS of infectious or contagious disease and have not, to the best of ~~his~~ THE VETERINARIAN'S knowledge, been exposed to any infectious or contagious diseases, ~~he~~ THE VETERINARIAN shall issue a ~~health~~ SIGNED certificate ~~signed by him,~~ OF VETERINARY INSPECTION to any purchaser who so requests. ~~Said health~~ THE VETERINARIAN SHALL DELIVER THE certificate ~~shall be delivered~~ OF VETERINARY INSPECTION to the purchaser at the time of rendering the account of sale or bill of sale.

(b) In addition to the requirements of this subsection (1) for all interstate movements, livestock must meet federal interstate and state of destination requirements. THE VETERINARIAN AND THE PUBLIC LIVESTOCK MARKET SHALL IMMEDIATELY ISOLATE AND HOLD all animals ~~found to be~~ affected with any recognized infectious or contagious diseases ~~shall be immediately isolated, quarantined, and held~~ in conformity with the health requirements of Colorado law and the rules and regulations of the department of agriculture. ~~All fees or taxes for veterinary services, prior to the sale of the livestock, shall be paid by~~ The operator of the public livestock market ~~All livestock intended for interstate shipment, on which~~ SHALL PAY ALL FEES OR TAXES FOR VETERINARY SERVICES. THE BUYER OR THE PERSON WHO INTENDS TO SHIP THROUGH INTERSTATE COMMERCE SHALL PAY THE EXPENSES FOR INSPECTIONS OR TESTS THAT ARE REQUIRED BY the United States department of agriculture ~~requires specific inspections or tests~~ AND that can only be made by an approved and licensed veterinarian. ~~shall be made at the expense of the buyer or the party who intends to move them interstate.~~

(2) (a) Swine may be moved from a public livestock market if, upon inspection, the swine are found free from ~~symptoms~~ CLINICAL SIGNS of ~~cholera or other~~ contagious, infectious, or communicable diseases and in a ~~thriving~~ condition OF HEALTH.

(3) Feeding swine and breeding swine ~~going~~ THAT ARE BEING MOVED from a market to a farm ~~shall~~ MUST be identified by an approved ear tag, individual tattoo, or ear notch AS EACH IS REQUIRED BY 9 CFR 71.19. Sows and boars ~~going~~ THAT ARE BEING SENT to slaughter ~~shall~~ MUST be identified in accordance with the market

swine identification program as prescribed in the SWINE BRUCELLOSIS CONTROL/ERADICATION STATE-FEDERAL-INDUSTRY uniform methods and rules ~~for brucellosis eradication~~ published by the U.S.D.A. animal plant health inspection service agency in effect July 1, 1981, and as amended from time to time thereafter (APHIS 91-55-042).

(5) If, in the judgment of an ~~authorized~~ ACCREDITED AND LICENSED veterinarian, ~~of the department,~~ an animal presented at a public livestock market is injured, disabled, or diseased beyond recovery, the veterinarian shall humanely euthanize the animal or direct the consignor to immediately remove the animal from the premises of the public livestock market. THE CONSIGNOR IS RESPONSIBLE FOR all expenses incurred for euthanasia and disposal of an animal under ~~the provisions of this subsection (5). are the responsibility of the consignor.~~ THE CONSIGNEE IS NOT RESPONSIBLE FOR collection of expenses. ~~shall not be the responsibility of the consignee.~~

SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 20, 2019